vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1067 OF 2006
IN
SUMMARY SUIT NO.3618 OF 2003

Zee Interactive Learning
System Ltd. ... Plaintiff

V/s.

Kiran Deep Singh Khairah ... Defendant

Mr.Prakash Shinde i/b M/s.M.Dhruva &Co. for Plaintiff
Mr.Sanjay Jain i/b Ramesh Jain & Ms.Kusum Jain for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 20, 2006**

P.C.:

. The present Motion has been taken out for setting aside the decree passed by the Court on 28.9.2005. According to the Defendant, it was because of the illness of his mother and grandmother that he could not give proper instructions to his advocate and therefore, the Summons for Judgment was decided against him. The decree has been passed in the Summary Suit No.3618 of 2003 whereby the defendant has been directed to pay interest on the principal amount of Rs.5 lacs from the date of the suit till decree at 15% per annum. The defendant was given liberty to take the key of the premises of the premises from the Office of the Prothonotary and Senior Master on payment of the decretal amount to the plaintiff and secure possession of the premises.

2. The decretal amount alongwith interest till today shall be deposited in Court within two weeks from today. On this amount being deposited, the decree is set aside and the Summons for Judgment No.639 of 2004 will stand restored to file.

3. Motion is disposed of accordingly.